

ACT No. 625

Regular Session, 2014

HOUSE BILL NO. 478

BY REPRESENTATIVE MILLER

1 AN ACT

2 To amend and reenact R.S. 19:147, 150, 151, and 159, relative to expropriation; to provide
3 relative to certain expropriation procedures; to provide for final judgments for
4 purposes of immediate appeal; to provide for the delay within which to request a jury
5 trial; to provide relative to appeals; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 19:147, 150, 151, and 159 are hereby amended and reenacted to read
8 as follows:

9 §147. Contesting validity or extent of taking; waiver of defenses; judgment on
10 validity or extent of taking

11 A. Any defendant desiring to contest the validity or extent of the taking on
12 the ground that the property was not expropriated for a public use may file a motion
13 to dismiss the suit within ~~ten~~ twenty days from the date the notice was served on
14 him. He shall certify thereon that a copy thereof has been served personally or by
15 mail on either the plaintiff or his attorney of record in the suit. This motion shall be
16 tried contradictorily with the plaintiff.

17 B. Failure to file the motion ~~within the time provided to dismiss~~ or to serve
18 a copy thereof on the plaintiff within twenty days from the date the notice was served
19 on him constitutes a waiver of all defenses to the suit except claims for
20 compensation.

21 C. In the event a defendant files a timely motion to dismiss challenging the
22 validity or extent of the taking, the court shall set the matter for hearing within thirty
23 days after the filing of the motion to dismiss and shall render a decision within five
24 days after the case is submitted. A judgment rendered determining the validity or the

1 extent of the taking pursuant to this Part shall be signed and designated as a final
2 judgment by the court for the purpose of an immediate appeal.

3 * * *

4 §150. Determining value where entire tract expropriated; jury demand

5 A. Where an entire lot, block or tract of land is expropriated, any defendant
6 may apply for a trial to determine the market value of the property expropriated,
7 provided:

8 (1) He files an answer within thirty days from the date he is served with the
9 notice required by R.S. 19:146;

10 (2) His answer sets forth the amount he claims;

11 (3) His answer has a certificate thereon showing that a copy thereof has been
12 served personally or by mail on all parties to the suit who have not joined in the
13 answer.

14 B. If the defendant desires a trial by jury, he shall file his demand for a jury
15 trial within thirty days from the date he is served with the notice required by R.S.
16 19:146. Failure to demand a jury within the time provided constitutes a waiver of
17 the right to a jury trial.

18 C. Upon the filing of the answer, the court shall issue an order fixing the
19 time of the trial of the suit. The clerk of court shall thereupon issue a notice to all
20 parties who did not join in the answer of the time fixed for the trial. This notice shall
21 be served at least twenty days before the time fixed for the trial and in the manner
22 provided by law for the service of citations.

23 §151. Determining value and damages where part of a tract is expropriated; jury
24 demand

25 A. Where a portion of a lot, block or tract of land is expropriated, any
26 defendant may apply for a trial to determine the just and adequate compensation to
27 which he is entitled, provided:

28 (1) He files an answer within one year from the date he is notified in writing,
29 by certified mail, by the plaintiff that it has finally accepted the construction of the
30 facility or facilities for which the property was expropriated;

1 (2) His answer sets forth the amount he claims as the value of each parcel
2 expropriated and the amount he claims as damages to the remainder of his property;

3 (3) His damage claim is reasonably itemized;

4 (4) His answer has a certificate thereon showing that a copy thereof has been
5 served personally or by mail on all parties to the suit who have not joined in the
6 answer.

7 B. If the defendant desires a trial by jury, he shall include a demand for trial
8 by jury in his answer or separate pleading. The answer or separate pleading
9 demanding a trial by jury shall be filed not later than the time period during which
10 the defendant has to file his answer pursuant to this Section. Failure to demand a
11 jury within the time provided constitutes a waiver of the right to a jury trial.

12 C. Upon the filing of the answer, the court shall issue an order fixing the
13 time of the trial of the suit on compensation. The clerk of court shall thereupon issue
14 a notice to all parties who did not join in the answer of the time fixed for the trial.
15 This notice shall be served at least twenty days before the time fixed for trial and in
16 the same manner provided for the service of citations.

17 * * *

18 §159. ~~Effect Appeal; expedited review; effect of appeal~~

19 A. No party to an expropriation proceeding filed pursuant to this Part shall
20 be entitled to or granted a suspensive appeal from any order, judgment, or decree
21 rendered in such proceeding, whether such order, judgment, or decree is on the
22 merits, exceptions, or special pleas and defenses, or compensation, or any or all of
23 them.

24 B. Any judgment determining the validity or the extent of the taking
25 pursuant to R.S. 19:147, shall be subject to a devolutive appeal, and the delays for
26 taking such an appeal shall commence upon the signing of that judgment.

27 C. The appellate court shall consider an appeal of a judgment rendered
28 pursuant to R.S. 19:147, on an expedited basis.

29 D. No appeal in any expropriation suit brought under these provisions shall
30 operate to prevent or delay the vesting of title in the plaintiff.

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 Section 2. The provisions of this Act shall have prospective application only and
2 shall apply only to actions or claims filed on and after its effective date.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____